

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

United States Magistrate Court
DSQ:SDTX
FILED

AUG 9 2023 2B

Nathan Ochsner, Clerk
Laredo Division

UNITED STATES OF AMERICA

v.

DWAYNE GERLOFF

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CRIMINAL NO. 5:23-cr-818

FACTUAL STATEMENT IN SUPPORT OF PLEA AGREEMENT

The United States of America, by and through ALAMDAR S. HAMDANI, United States Attorney for the Southern District of Texas and GERARD CANTU, Assistant United States Attorney, and the defendant, **DWAYNE GERLOFF** and the defendant's counsel, hereby stipulate as follows:

I.

If this case proceeded to trial, the United States of America would prove each element of the offense beyond a reasonable doubt. The following facts, among others, would be offered to establish the Defendant's guilt:

II.

On June 13, 2023, a Border Patrol Agent (BPA) was working at a primary inspection lane of the Laredo North Border Patrol Checkpoint, located at the 29-mile marker of Interstate Highway 35, in Webb County. At approximately 9:30 p.m., a blue International tractor hauling a white trailer approached the BPA's primary inspection lane. The driver, later identified as Dwayne GERLOFF, stated he was in a hurry and had to go. The BPA then asked GERLOFF for consent to search the sleeper of the blue tractor to which GERLOFF said, "yeah its fine".

As the BPA approached the driver side door GERLOFF hesitated before unlocking

the driver side door. Gerloff then stated, "I don't know them man," and opened the curtain to the sleeper. The BPA located several people concealed under blankets. GERLOFF was placed under investigative detention to conduct a citizenship inspection on the passengers. An immigration inspection revealed that all passengers were illegally present in the United States.

Dwayne GERLOFF was read his Miranda Rights and he agreed to provide a statement.

GERLOFF stated he met an individual only known to him as "Marcos" while at a gas station on San Bernardo Avenue. "Marcos" claimed to be an Owner/Operator of a trucking business, but GERLOFF could not recall the name or location of the business. GERLOFF stated that "Marcos" offered him a job to drive a tractor trailer a few **weeks** back and instructed him to deliver the load to Texarkana. GERLOFF stated he accepted the job and delivered the load in Texarkana for \$140.00 US Dollars total. GERLOFF stated "Marcos" called him earlier today and instructed him to shower and get ready to drive another load. GERLOFF stated "Marcos" arrived for him at around 8:00 p.m. and drove him to the truck he would drive. "Marcos" stopped at a gas station off the access road outside of town and purchased snacks for GERLOFF. "Marcos" then took him to the truck which was parked on at the same gas station.

"Marcos" instructed him to call him once he was north of San Antonio.

PEREZ-Gomez stated she made arrangements to be smuggled from Mexico into the United States. PEREZ-Gomez stated she illegally entered the United States on Monday (06/12/2023) by crossing the Rio Grande River from Nuevo Laredo, Tamaulipas to Laredo, Texas. PEREZ-Gomez stated she paid \$5,000.00 United States Dollars (USD) to cross into the United States and would have to pay an additional \$5,000.00 USD once she arrived at her destination of Kentucky.

PEREZ-Gomez stated once she entered the United States illegally, she walked for approximately 30 minutes until they arrived at an abandoned house. PEREZ-Gomez stated that before crossing she was given instructions to wait at the abandoned house until they would get picked up. PEREZ-Gomez stated

that the next day she was picked up by a white car who then drove them to a blue tractor. PEREZ-Gomez stated was instructed to get into the tractor and to sit on the bed. Once everyone was inside the tractor, the driver asked them in English if they were ready. PEREZ-Gomez described the driver as having long hair and being white complected. PEREZ-Gomez was provided with a photo lineup array and was able to identify Dwayne GERLOFF as the driver of the tractor.

III.

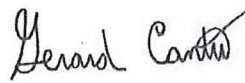
Defendant, **DWAYNE GERLOFF**, hereby confesses and judicially admits that on **June 13, 2023**, he/she knowingly **conspired to transport an undocumented alien within the United States**, in violation of **Title 8, United States Code, Sections 1324 (a)(1)(A)(ii) and (v)(I)**.



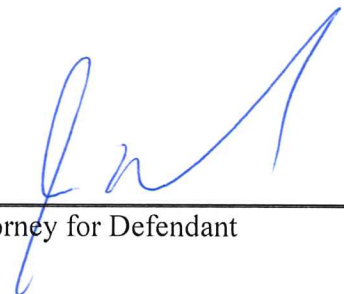
DWAYNE GERLOFF
Defendant

APPROVED:

ALAMDAR S. HAMDANI
UNITED STATES ATTORNEY

By: 

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Southern District of Texas
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Attorney for Defendant